

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

MICHAEL C. LEADBETTER)
and JoELLEN E. TEUSCH,)
)
Plaintiffs,)
)
vs.) CAUSE NO. 1:10-CV-348
)
PARKVIEW HOSPITAL and PARK CENTER,)
)
Defendants.)

OPINION AND ORDER

This matter is before the Court on a complaint filed by Michael C. Leadbetter and JoEllen E. Teusch. For the reasons set forth below, this case is **DISMISSED** pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) and Michael C. Leadbetter and JoEllen E. Teusch are **CAUTIONED** that if they file any other frivolous or malicious papers in this court, they may be fined, sanctioned, or restricted.

BACKGROUND

In *Leadbetter v. Parkview Hospital*, 1:10-CV-313 (N.D. Ind. filed September 7, 2010), Michael C. Leadbetter and JoEllen E. Teusch filed a *pro se* complaint that was dismissed with prejudice because it was frivolous. On October 7, 2010, they filed this *pro se* complaint (along with an incomplete and unsigned *in forma pauperis* petition) against the same defendants based on the same claims.

DISCUSSION

In its prior order, this Court found that these claims were delusional. See *Gladney v. Pendleton Correctional Facility*, 302 F.3d 773, 774 (7th Cir. 2002). Though phrased slightly different in this complaint, the claims are still delusional. In addition, they are also barred by the doctrine of *res judicata* because they were or could have been brought in the prior case which was dismissed with prejudice only last month on September 14, 2010. See *Highway J Citizens Group v. United States DOT*, 456 F.3d 734, 741 (7th Cir. 2006).

These cases are not the only meritless filings that these two plaintiffs have presented to this court. In *Teusch v. U.S. Attorney General*, 1:08-CV-002, this court dismissed their complaint which alleged that the Attorney General's "failure to prosecute the City of Fort Wayne makes the Attorney General's office a party to 'governmental level conspiracies' against them involving the President as well as the Vice President's Office." *Id.*, DE 3 at 3. Recently, they filed a "Notice of State Terrorism and Conspiracy Against Rights" in two of their other closed cases. See *Leadbetter v. United States*, 1:06-CV-285 (N.D. Ind. filed August 15, 2006), and *Teusch v. City of Fort Wayne*, 1:09-CV-064 (N.D. Ind. filed March 12, 2009). In that filing, they included three judges of this court, including the undersigned judge, as a part of the conspiracies against them.

It is past time for Michael C. Leadbetter and JoEllen E. Teusch to stop wasting this court's time with frivolous filings. "Federal courts have both the inherent power and constitutional obligation to protect their jurisdiction from conduct which impairs their ability to carry out Article III functions." *In re McDonald*, 489 U.S. 180, 185 n. 8 (1989) citing *In re Martin-Trigona*, 737 F. 2d 1254, 1261 (2nd Cir. 1984). Therefore, if either of them file any more frivolous or malicious papers in this court, they may be fined, sanctioned, or restricted.

CONCLUSION

For the reasons set forth above, this case is **DISMISSED** pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) and Michael C. Leadbetter and JoEllen E. Teusch are **CAUTIONED** that if they file any other frivolous or malicious papers in this court, they may be fined, sanctioned, or restricted.

DATED: October 20, 2010

/s/RUDY LOZANO, Judge
United State District Court